

EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 24-32044
	§	
KATHERINE MARIE HIGGINS,	§	CHAPTER 7
Debtor	§	

**AMENDED DECLARATION OF BARNET B. SKELTON, JR.
IN SUPPORT OF MARIE DUNCAN EARTHMAN’S APPLICATION TO RECOVER
SANCTIONS AWARDED AGAINST REESE W. BAKER**

My name is Barnet B. Skelton, Jr. I am more than eighteen years of age. I am of sound mind and competent to make this Declaration. I have personal knowledge of the facts stated herein, and I can attest that they are true and correct.

1. I am an attorney at the law firm of Barnet B. Skelton, Jr. Attorney at Law, a sole proprietorship. Beck Redden, LLP and my firm were engaged to serve as counsel for Marie Duncan Earthman in the above-captioned matter. I am submitting this declaration in support of Marie Duncan Earthman’s Application to Recover Sanctions Awarded Against Reese W. Baker (the “Fee Application”).

2. I have been admitted to practice law in the State of Texas since 1979 and have practiced exclusively in Texas since my admission. I am also admitted to practice in the United States Court of Appeals for the Fifth Circuit, and in the United States District and Bankruptcy Courts for the Southern, Northern, Western, and Eastern Districts of Texas, as well as the District of Colorado. A copy of my firm biography, which further sets forth my qualifications, is attached as **Exhibit D** to the Fee Application. My practice has concentrated on bankruptcy and creditors rights, in addition to civil and commercial litigation, since the early 1980’s. I am familiar with the billing rates and practices for attorneys in and around the Houston area and as a more general

matter, I am familiar with the normal and customary charges for attorneys' fees in actions similar to the above-captioned matter by attorneys of comparable expertise and experience.

3. I am the primary timekeeper for my firm on this matter and the related bankruptcy matters. My standard hourly rate charged to Ms. Earthman is \$650 per hour. This rate is usual and customary for similar legal services provided by comparably skilled practitioners in Houston, Texas.

4. Attached hereto as **Exhibit 1** are true and correct copies of all time entries billed to Ms. Earthman for time expended in connection with pursuing her Motion to Compel Production of Documents from Alice Whiting Pursuant to Rule 2004 Examination Notice and for Sanctions ("Motion to Compel") [Dkt. No. 108] through February 24, 2025. The records were made or kept by my firm in the regular course of business, and it is my regular practice, as the person with knowledge of the matters set forth to create these records at or near the time of the work conducted. I have reviewed these records and determined that the hours spent and the rates charged for such work, and expenses incurred, were both reasonable and necessary.

5. After reviewing each invoice record, totaling the amount together, the records reflect a total of \$8,970.00 in attorneys' fees.

6. My work on this matter has entailed, among other tasks, legal research, drafting court filings, communication among counsel, and preparation for and attendance of evidentiary hearings before the Court. All of these activities were reasonable and necessary in order to compel the discovery Ms. Earthman is seeking from Ms. Whiting and seek sanctions against Mr. Baker.

7. I have reviewed Texas Disciplinary Rule of Professional Conduct 1.04(b) and the factors set forth in *In re First Colonial Corporation of America*, 544 F.2d 1291 (5th Cir. 1977), and it is my opinion that the time spent on this matter was necessary to represent the Ms.

Earthman's interests and that the fees assessed were reasonable in light of the aforementioned factors and my own personal experience representing clients in Texas on similar matters.

JURAT

My name is Barnet B. Skelton, Jr., my date of birth is June 23, 1953, and my business address is 815 Walker, Suite 1502, Houston, Texas 77002. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas on the 29th day of May, 2025.

/s/ Barnet B. Skelton, Jr.
Barnet B. Skelton, Jr., Declarant

EXHIBIT 1

Barnet B. Skelton, Jr.
 Attorney at Law
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 Houston, Texas 77002
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barnetbjr@msn.com

Re: Case No. 24-32044; *In re Katherine Marie Higgins*, in the United States Bankruptcy Court for the Southern District of Texas

STATEMENT OF FEES AND EXPENSES RE:
Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004
Examination Notice and For Sanctions

11/20/24	Exchanged emails with Amy re: Whiting's failure to produce documents.			
	.	0.20	BBS	\$130.00
	Reviewed Baker's untimely objections to Whiting document subpoena			
		0.30	BBS	\$195.00
	Exchanged emails with Amy about the need to seek sanctions.			
		0.10	BBS	\$65.00
11/21/24	Reviewed draft motion to compel document production by Whiting.			
		0.30	BBS	\$195.00
	Prepared redline of proposed Order.			
		0.20	BBS	\$130.00
12/12/24	Reviewed Whiting's Response to Motion to Compel and Motion for Sanctions Against Earthman.			
		0.50	BBS	\$325.00

	Telephone call with Amy re: Whiting Response and Motion for Sanctions and how to respond.	0.20	BBS	\$130.00
12/13/24	Reviewed and approved draft Motion to Strike Whiting Response and Motion for Sanctions and proposed Order.	0.30	BBS	\$195.00
	Reviewed Jake McLellan's email to Baker summarizing call with him re: failure to produce documents and intent to proceed with Motion to Compel unless documents produced by 12/16.	0.20	BBS	\$130.00
12/16/24	Exchanged emails with Amy and Jake re: Baker's non-committal response re: document production and 2004 exam attendance.	0.20	BBS	\$130.00
	Follow up call with Amy re: Whiting's continued failure to comply and need to press Motion to Compel and Motion to Strike.	0.30	BBS	\$195.00
12/17/24	Exchanged emails with Amy re: email from Baker stating very limited documents to be produced.	0.10	BBS	\$65.00
	Reviewed Whiting's Amended Response to Motion to Compel.	0.50	BBS	\$325.00
12/30/24	Reviewed and approved Motion to Strike Whiting's Amended Response to Motion to Compel and Amended Motion for Sanctions and Reply in Support.	0.40	BBS	\$260.00
01/08/25	Reviewed Whiting's Exhibit List and Exhibits, including newly produced texts from Whiting to Katherine re: loan from Jubilee.	0.80	BBS	\$520.00

Reviewed Notice of 2004 Examination list of documents to be produced and compared with actual production to date.

1.00 BBS \$650.00

Emailed Amy comments on continued failure to produce key documents included in 2004 Request, and significance of Whiting text on PNC funding as a “loan to you personally.”

0.20 BBS \$130.00

Follow up telephone calls with Amy re: document production failures.

0.40 BBS \$260.00

Legal research on awards of sanctions for failure to comply with BLR 2004-1(g).

0.50 BBS \$325.00

Emailed Amy re: *In re: Dernick* opinion on sanctions and merits of objecting to Debtor and Ms. Arango being called as live witnesses as issue is compliance with a court order and lack of timely objection to 2004 Notice.

0.40 BBS \$260.00

Legal research on tax and other consequences of alleged “forgiveness” of Whiting/Jubilee loan to Higgins.

0.60 BBS \$390.00

01/09/25 Reviewed Whiting’s Emergency Motion for Continuance and Order granting same.

0.20 BBS \$130.00

01/24/25 Reviewed Order granting Earthman’s Motion to Compel and for Sanctions vs Whiting.

0.30 BBS \$195.00

01/27/25 Reviewed *Dernick* fee application and order on sanction award.

0.40 BBS \$260.00

Telephone conversation with Carolyn Carollo re: her intent to file motion for reconsideration of Whiting Order.

0.30 BBS \$195.00

Follow up call with Amy re: gist of Carollo's argument for reconsideration.

0.20 BBS \$130.00

Reviewed draft email from Amy to Baker and Carollo and follow up call with Amy re: same.

0.30 BBS \$195.00

01/28/25 Reviewed Whiting Motion for Reconsideration and exchanged emails with Amy re: same.

0.50 BBS \$325.00

Reviewed Amended Whiting Motion for Reconsideration and draft Motion to Strike.

0.40 BBS \$260.00

Telephone call with Amy re: Whiting issues.

0.20 BBS \$130.00

01/29/25 Reviewed additional filings by Whiting, Order setting hearing and draft Response to Amended Whiting Motion for Reconsideration.

0.50 BBS \$325.00

01/30/25 Prepared redline draft of response to Amended Whiting Motion for Reconsideration.

1.00 BBS \$650.00

02/20/25 Reviewed draft witness and exhibit list and discussed with Amy in preparation for hearing.

0.30 BBS \$195.00

Legal research on Rule 2004 and subpoena issues.

0.50 BBS \$325.00

02/24/25 Preparation for and attendance at hearing on Whiting motions.

1.00 BBS \$650.00

13.80 hours @ \$650.00 per hour \$8,970.00

Total fees: \$8,970.00